



**Instructional
Telecommunications
Council**

An Affiliate of the American Association of Community Colleges

May 16, 1997

Peter Fowler
Attorney-Advisor
Office of Legislative and International Affairs
U.S. Patent and Trademark Office, Box 4
Washington, D.C. 20231

Dear Mr. Fowler:

I write as chair of the Instructional Telecommunications Council (ITC), an affiliated council of the American Association of Community Colleges (AACC), which represents just over 500 educational institutions that are involved in distance education. We would like to echo what you have already heard from AACC with regard to our position on the educational fair use guidelines for educational multimedia, digital images and distance learning.

These meetings, and the guidelines that have resulted, have recognized the increased use of distance learning technologies to deliver educational materials to students who cannot attend traditional on-campus classes for whatever reason. Technology also makes it easier for teachers to pick and choose what they like from existing educational material, incorporate excerpts from various works and create their own tailored multimedia presentations.

It is important to note that educational institutions are both users and producers of copyrighted material. Consequently, we are interested in maintaining a balanced approach to the concept of fair use when creating fair use guidelines for use by educators in the new digital environment. As the preamble to the guidelines states that "only the courts can authoritatively determine whether a particular use is fair use," we believe fair use guidelines can provide educators with a useful tool to help them determine whether their particular use of copyrighted material is fair or not.

We have received a great deal of support from our members for endorsing the *Fair Use Guidelines for Educational Multimedia* and would like to restate our support for these guidelines as a part of CONFU. ITC feels these guidelines are a positive development that provide a sense of direction in an area of technology that has become such an important part of the teaching and learning process.

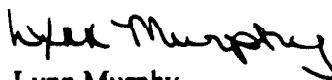
We would like to withhold our endorsement or opposition for the *Educational Fair Use*

Guidelines for Distance Learning and the *Fair Use Guidelines for Digital Images* pending further discussion among the participants. The *Educational Fair Use Guidelines for Distance Learning* certainly make great headway when they allow educators to transmit audiovisual works over synchronous, non-digital distance learning networks. The *Educational Fair Use Guidelines for Digital Images* give educators greater freedom to digitize and use the images they hold in their image collections for traditional and distance learning. However, we feel further negotiations could resolve certain elements of the guidelines that could prove difficult for our member institutions.

For example, many of our members feel that asynchronous delivery of distance learning over a computer networks should be a part of these guidelines. This type of learning addresses one of the major benefits of distance education -- the use of technology to transmit educational material to students so they have the opportunity to learn at their own pace, at a time and place that works for them. Allowing colleges to retain copies of the transmitted material for 15 days will certainly increase student access to the material. However, many of our colleges responded that in practice this limitation will prove difficult for many distance learning students who are unable to come to campus during regular class hours for various reasons, such as work or family responsibilities, disabilities, or physical location. We also recommend that any fair use guidelines be technology neutral since distance learning technologies are changing so rapidly.

We appreciate having the opportunity to be part of CONFU and would like to thank you and all of the other participants who were involved in this important process. We hope this collaboration among different sectors will continue and look forward to working with you and others in the future.

Sincerely,

A handwritten signature in dark ink, appearing to read "Lynn Murphy". The signature is fluid and cursive, with the first name "Lynn" and last name "Murphy" clearly distinguishable.

Lynn Murphy
Chair



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September 4, 1996

Ivan Bender/Lisa Livingston
Co-Chairs, Educational Multimedia
Fair Use Guidelines Development Committee
City College/City University of NY
5/220 North Academic Center
138th Street at Convent Avenue
New York, NY 10031

Dear Mr. Bender and Ms. Livingston:

For the past eighteen months, the Instructional Telecommunications Council, ITC, an affiliated council of the American Association of Community Colleges that deals specifically with higher education instructional telecommunications and distance learning, has met with you and other associations representing educators and copyright owners to create fair use guidelines for educational multimedia. These guidelines are designed to be used by educators and students when they create their own multimedia projects.

ITC feels these guidelines are a positive development in that they provide a sense of direction in an area of technology that has become such an important part of the teaching and learning process. Since educational institutions are often both users and creators of multimedia products, this document will provide our members a tremendous sense of freedom and encouragement to both use and produce multimedia programs for their students.

I am pleased to announce that on August 6 the ITC Board of Directors voted unanimously to formally endorse the *Fair Use Guidelines For Educational Multimedia*. We appreciate having the opportunity to be part of the negotiating committee that produced this document and understand you will be seeking congressional approval of them while not recommending any amendment to the law itself. We are glad the American Association of Community Colleges also endorses these guidelines. We also thank you for all of your hard work on this project.

Sincerely,

Lynn Murphy
Chair

Lisa Livingston,
CCUMC Educational Multimedia
Fair Use Guideline Development Committee

October 31, 1996

Mike Wilson,
President, IACT

Dear Ms. Livingston:

Our organization, the *Iowa Association for Communication Technology*, has been aware of the negotiations the *Consortium of College and University Media Centers* has carried on since September of 1994 regarding the creation of fair use guidelines for educational multimedia. Although we were not a direct part of the process, we have been kept informed of your progress and feel comfortable with the guidelines which have been developed.

IACT is a organization of media professionals from all over the state of Iowa. Many of our members wrestle with the problems of copyright and fair use every day in the performance of their duties. As such, the CCUMC guidelines will be of great value to our membership and will take away some of the uncertainty that they now face.

We realize that these guidelines represent a series of compromises, but we feel they are, nonetheless, an important step forward. They will aid greatly in the development of multimedia as a viable tool for instruction.

On behalf of the Board of Directors and the membership of IACT, I am pleased to add our association's name to the list of others who have approved the fair use guidelines for educational media, with the understanding that you will not be seeking any amendment to the copyright law, but rather have achieved official recognition of the guidelines by the Congress.

Sincerely,



Michael A. Wilson,
President, Iowa Association for Communication Technology